

LAW OFFICES  
**FRITZ R. KAHN, P.C.**  
EIGHTH FLOOR  
1920 N STREET, N.W.  
WASHINGTON, D.C. 20036-1801

(202) 263-4152  
FAX (202) 331-8330  
e-mail: xicgc@worldnet.att.net

**ORIGINAL**



VIA HAND DELIVERY - RETURN COPY

Hon. Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

Dear Secretary Quinlan:

Enclosed for filing in STB Docket No. AB-397 (Sub-No.7X), Tulare Valley Railroad Company--Abandonment Exemption--in Tulare County, CA, are the original and ten copies of the Notice of Exempt Abandonment of Tulare Valley Railroad Company.

This firm's check for \$3,700 in payment of the filing fee is attached.

Additional copies of this letter and of the Notice of Exempt Abandonment are enclosed for you to stamp to acknowledge your receipt of them and to return to me via the messenger.

If you have any question concerning the filing, please get back to me.

**ENTERED**  
Office of Proceedings

JUL 01 2009

Part of  
Public Record

Sincerely yours,

*Fritz R. Kahn*  
Fritz R. Kahn

**ENTERED**  
Office of Proceedings

JUL 01 2008

Part of  
Public Record

enc.

cc: Michael J. Van Wagenen, Esq.

**FEE RECEIVED**

JUL 01 2009

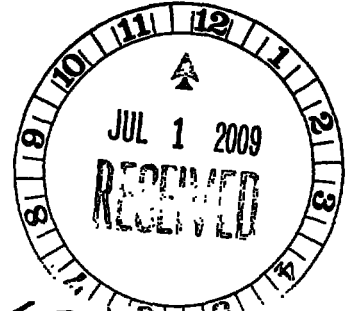
SURFACE  
TRANSPORTATION BOARD

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC

ORIGINAL

STB Docket No. AB-397 (Sub-No. 7X)

TULARE VALLEY RAILROAD COMPANY  
--ABANDONMENT EXEMPTION--  
IN TULARE COUNTY, CA



225317

**FEE RECEIVED**

JUL 01 2009

**SURFACE  
TRANSPORTATION BOARD**

NOTICE OF EXEMPT ABANDONMENT  
OF  
TULARE VALLEY RAILROAD COMPANY

**ENTERED**  
Office of Proceedings

JUL 01 2009

**Part of  
Public Record**

**FILED**

JUL 01 2009

**SURFACE  
TRANSPORTATION BOARD**

Fritz R. Kahn  
Fritz R. Kahn, P.C.  
1920 N Street, NW (8th fl.)  
Washington, DC 20036  
Tel.: (202) 263-4152

Attorney for

TULARE VALLEY RAILROAD COMPANY

Dated: July 1, 2009

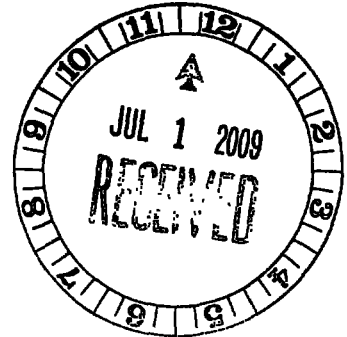
**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-397 (Sub-No. 7X)**

**TULARE VALLEY RAILROAD COMPANY  
--ABANDONMENT EXEMPTION--  
IN TULARE COUNTY, CA**

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**NOTICE OF EXEMPT ABANDONMENT  
OF  
TULARE VALLEY RAILROAD COMPANY**

Tulare Valley Railroad Company ("TVR"), a Class III railroad subject to this Board's jurisdiction, pursuant to 49 U.S.C. 10903 and 49 C.F.R. 1152.50, states, as follows:

1. The railroad line which is proposed to be abandoned extends between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, distance of approximately 5.9 miles in Tulare County, California.

2. The anticipated consummation date is August 20, 2009.

3. TVR, by the attached Verification of its President, Ms. Rhonda Nicoloff, certifies that no local traffic has moved over the railroad line for at least two years' time, and any overhead traffic on the line can be rerouted over other lines.

4. TVR, by the attached Verification of its President, Ms. Rhonda Nicoloff, further certifies that no formal complaint by a user of rail service on the railroad line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending before the Board or any U.S. District Court or has been decided in favor of a user within the two year period.

5. The exact name of the entity seeking the abandonment authority is Tulare Valley Railroad Company.

6. TVR is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105, having acquired the line, along with other properties, pursuant to the Decision of the Interstate Commerce Commission in Finance Docket No. 32215, Tulare Valley Railroad Company--Acquisition and Operation Exemption--The Atchison, Topeka & Santa Fe Railway Company, served January 13, 1993. Discontinuance of service on the line was authorized by the Notice in STB Docket No. AB-397 (Sub-No. 6X), Tulare Valley Railroad Company--Discontinuance of Service Exemption--in Tulare County, CA, served April 17, 2009.

7. TVR seeks the Board's authorization to abandon the subject line.

8. A map of the subject line is attached as Exhibit A.

9. The representative of TVR to whom correspondence should be addressed is:

Fritz R. Kahn  
Fritz R. Kahn, P.C.  
1920 N Street, NW (8th fl.)  
Washington, DC 20036  
Tel.: (202) 263-4152

10. The United States Postal Zip Codes traversed by the railroad line are 93270 and 93218.

11. The right-of-way of the line proposed for abandonment may be useful for public purposes, pursuant to 49 U.S.C. 10905 and 49 C.F.R. 1152.28, or for interim trail use/rail banking, pursuant to 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. Offers of financial assistance to acquire and operate the line proposed for abandonment may be filed pursuant to 49 U.S.C. 10904 and 49 C.F.R. 1152.27.

12. No employee of TVR is expected to be adversely affected by the proposed abandonment, but TVR understands that Board's decision will be subject to the employee protective conditions of Oregon Short Line R. Co.--Abandonment--Goshen, 360 I.C.C. 91 (1979).

13. Attached as Exhibit B is the Environmental and Historic Report, and attached as Exhibit C are copies of the letters to the Federal and California agencies to which copies of the Environmental and Historic Report were mailed on June 9, 2009. A copy of the Environmental and Historic Report on that same date was mailed to the Board's Section of Environmental Analysis.

14. TVR has given notice of the proposed abandonment as required by 49 C.F.R. 1152.50(d) (1), and copies of the letters to the designated officials are attached as Exhibit D.

15. TVR has complied with the notice requirement of 49 C.F.R. 1105.11 by having a notice published in the June 10, 2009, edition of the Tulare Advance-Register, a newspaper of general circulation in Tulare County, California. A copy of the affidavit of publication is attached as Exhibit E.

WHEREFORE, Tulare Valley Railroad Company asks that the notice of exempt abandonment be accepted and allowed to become effective.

Respectfully submitted,

TULARE VALLEY RAILROAD COMPANY.

By its attorney,

A handwritten signature in black ink, appearing to read "Fritz R. Kahn", is written over the printed name and address.


Fritz R. Kahn  
Fritz R. Kahn, P.C.  
1920 N Street, NW (8th fl.)  
Washington, DC 20036  
Tel.: (202) 263-4152

Dated: July 1, 2009

## VERIFICATION

I, Michael J. Van Wagenen, Vice President of Tulare Valley Railroad Company., declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Notice of Exemption and that its assertions are true and correct to the best of my knowledge, information and belief. No local traffic has moved over the subject line for at least two years' time, and any overhead traffic on the line can be rerouted over other lines. Moreover, no formal complaint by a user of rail service on the subject line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the subject line is pending before the Board or any U.S. District Court or has been decided in favor of a user within the two year period. I further declare that I am qualified and authorized to submit this verification on behalf of Tulare Valley Railroad Company. I know that willful misstatements or omission of material fact constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

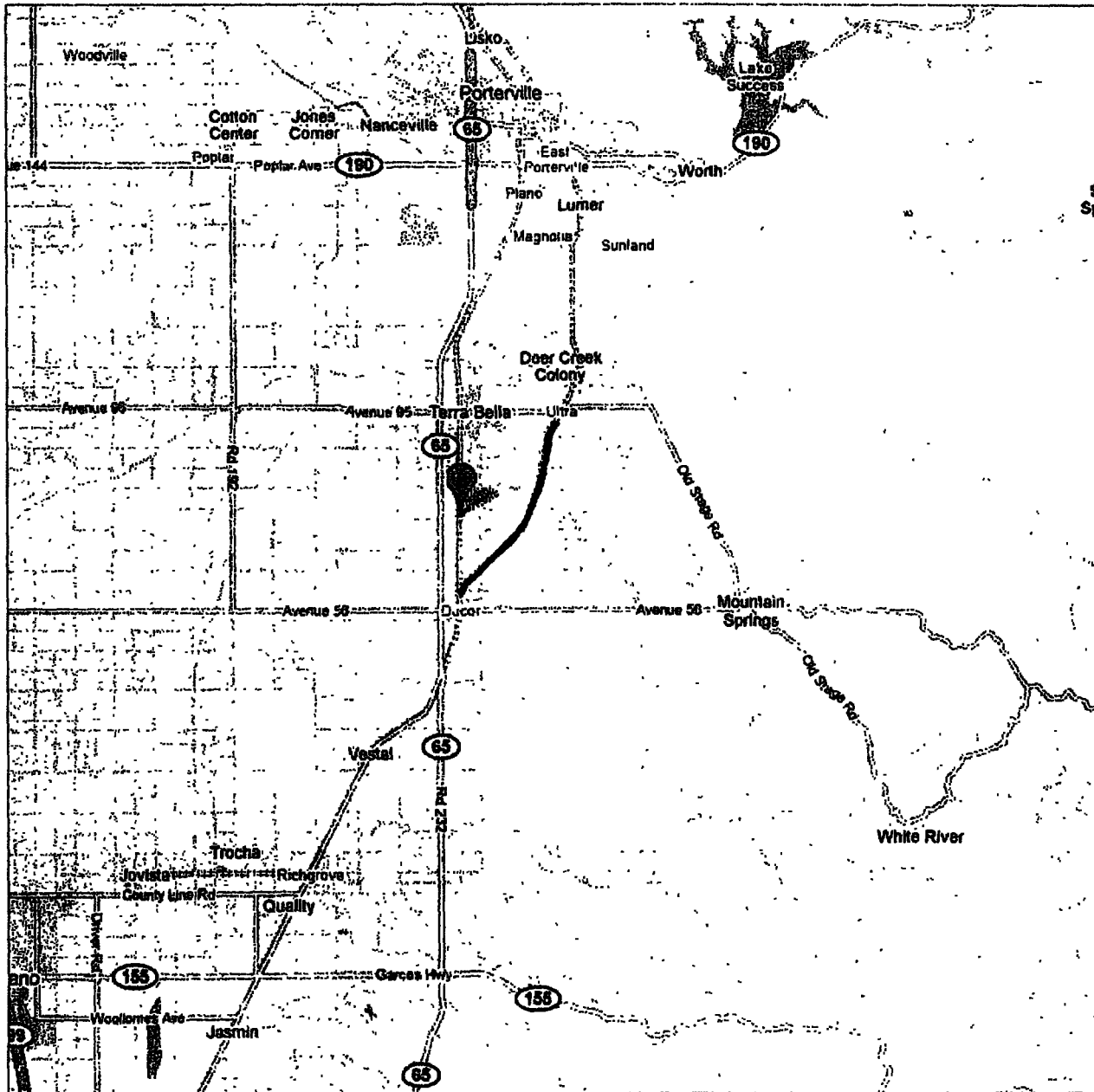
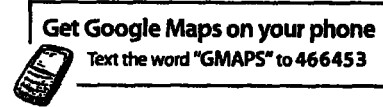
Dated at Salt Lake City, Utah, this 30<sup>th</sup> day of June 2009.

  
Michael J. Van Wagenen  
Vice President

## **EXHIBIT A**



Address **Road 236**  
**Terra Bella, CA 93270**



**EXHIBIT B**

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC

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STB Docket No. AB-397 (Sub-No. 7X)

TULARE VALLEY RAILROAD COMPANY  
--ABANDONMENT EXEMPTION--  
IN TULARE COUNTY, CA

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ENVIRONMENTAL AND HISTORIC REPORT

Tulare Valley Railroad Company ("TVRR"), pursuant to 49 C.F.R. 1150.7, submits this Environmental and Historic Report in support of its Notice of Exemption.

1. Proposed action and alternatives. TVRR is a rail carrier subject to the jurisdiction of the Board. The line which TVRR proposes to abandon extends between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of approximately 5.9 miles in Tulare County, California. The line traverses U.S. Postal Service Zip Codes 93270 and 93218. The line was a segment of railroad properties acquired by TVRR pursuant to the Decision of the Interstate Commerce Commission in Finance Docket No. 32215, Tulare Valley Railroad Company--Acquisition and Operation Exemption--The Atchison, Topeka & Santa Fe Railway Company, served January 13, 1993. No traffic has moved over the line, whether in local or overhead service, in more than two years' time, and by Notice, served, April 17, 2009, 74 Federal Register 17898, April 17, 2009, the Board authorized TVRR's discontinuance of service on the line. TVRR now seeks to abandon the line.

Upon the consummation of the abandonment authorized by the Board in STB Docket No. AB-398 (Sub-No. 7X), San Joaquin Valley Railroad Company--  
Abandonment Exemption--in Tulare Valley, CA, TVRR will be without a connection to the Nation's general system of railroad lines. Ducor was the station where TVRR connected with the segment of the San Joaquin Valley Railroad Company between Strathmore and Jovista authorized for abandonment by the Board. TVRR connects with no other railroad and, therefore, would be unable to interline inbound or outbound carloads of freight.

That coupled with the fact that no local or overhead traffic has moved over the line sought to be abandoned by TVRR in more than two years' time leaves no practicable alternative but to abandon the line.

2. Transportation systems. The shipper which formerly utilized the line for occasional rail shipments, Canella Chemical Company at Ultra, has relied upon truck transportation for more than two years time. California Highway 232 and Terra Bella Avenue 95 permit truck transportation between Ducor and Ultra. By letters dated May 7 and 22, 2009, copies of which were sent to the Board's Section of Environmental Analysis ("SEA"), TVRR's representative advised the California Office of Planning and Research of the proposed abandonment of the Ducor-to-Ultra line, but to date no response has been received.

3. Land use. By letters dated May 7 and 22, 2009, copies of which were sent to the SEA, TVRR's representative advised the Natural Resources Conservation Service of the proposed abandonment of the Ducor-to-Ultra line, and attached as Exhibit A is its

reply, dated May 26, 2009, stating that the agency has no concern with the proposed abandonment.

4. Energy. No increase in energy consumption will result from the proposed abandonment. By letters dated May 7 and 22, 2009, copies of which were sent to SEA, TVRR's representative advised the U.S. Environmental Protection Agency and California Protection Agency of the proposed abandonment of the Ducor-to-Ultra line, but to date no response has been received.

5. Air. No emissions or pollutants will despoil the air as a result of the proposed abandonment. The threshold levels of 49 C.F.R. 1105.7(e)(5)(i)-(iii) will not be exceeded. By letters dated May 7 and 22, 2009, with copies to SEA, TVRR's representative advised the U.S. Environmental Protection Agency and the California Environmental Protection Agency of the proposed abandonment of the Ducor-to-Ultra line, but to date no response has been received.

6. Noise. No increase in the level of noise will result from the proposed abandonment. The threshold levels of 49 C.F.R. 1105.7(e)(6)(i) & (ii) will not be exceeded. By letters dated May 7 and 22, 2009, with copies to SEA, TVRR's representative advised the U.S. Environmental Protection Agency and the California Environmental Protection Agency of the proposed abandonment of the Ducor-to-Ultra line, but to date no response has been received.

7. Safety. There will be no addition highway traffic as a result of the proposed abandonment of the line and, hence, no greater risk to public safety. By letters dated May 7 and 22, 2009, with copies to SEA, TVRR's representative advised the California

Office of Planning and Research of the proposed abandonment of the Ducor-to-Ultra line, but to date no response has been received.

TVRR is unaware of any hazardous waste sites or sites on which there were hazardous spills on the right-of-way of the railroad line proposed for abandonment.

8. Biological resources. The proposed abandonment of the line will not affect endangered or threatened animal or plant species or areas designated as critical habitats, as far as TVRR is aware. By letters dated May 7 and 22, 2009, with copies to SEA, TVRR's representative notified the U.S. Environmental Protection Agency, the California Environmental Protection Agency and the U.S. Fish and Wildlife Service of the proposed abandonment of the Ducor-to-Ultra line, but to date no response has been received.

9. Water. The proposed abandonment of the line will not affect Federal, California or local water quality standards of which TVRR is aware. By letters dated May 7 and 22, 2009, with copies to SEA, TVRR's representative notified the U.S. Army Corps of Engineers and the California Coastal Commission of the proposed abandonment of the Ducor-to-Ultra line, and attached as Exhibit B is the reply of the California Coastal Commission, dated May 12, 2009, stating that it had no concerns over the abandonment.

TVR is unaware of any designated wetlands or 100-year flood plains through which the railroad line proposed for abandonment passes.

10. Proposed mitigation. Since the proposed abandonment of the line will result in no adverse environmental impacts, TVR perceives of no need for mitigating measures. Nevertheless, in accordance with the Board's regulations, by letters dated May 7 and 22, 2009, with copies to SEA, TVRR's advised the California Office of Planning and

Research, the National Park Service and the National Geodetic Survey of the proposed abandonment of the Ducor-to-Ultra line, but to date no response has been received.

## HISTORIC REPORT

1. Map. A schematic map showing the Ducor-to-Ultra line proposed to be abandoned, as well as the connecting line of the San Joaquin Valley Railroad Company authorized for abandonment and the highway and streets connecting Ducor and Ultra, is attached as Exhibit C.

2. Description. The railroad line proposed to be abandoned extends between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of approximately 5.9 miles in Tulare County, California.

3. Photographs. The only structures along the right-of-way of the railroad line proposed for abandonment are a 48-foot culvert at Milepost 70.4 and a wooden trestle bridge at Milepost 67.8, photographs of which are attached as Exhibit D.

4. Dates. The culvert is marked "1934", which presumably was the date of its installation. The wooden trestle bridge was constructed in 1924.

5. History. TVRR believes that the Minkler Southern Railway Company, a predecessor of The Burlington Northern & Santa Fe Railway Company, from which TVRR acquired the Ducor-to-Ultra line, constructed the culvert and wooden trestle bridge.

6. Documents. TVRR has no plans, drawing or other documents in its possession confirming the dates of construction of the culvert and wooden trestle bridge and of any subsequent changes or improvements of the structures. If such documents exist, they

most likely would be in the possession of the BNSF Railway Company, successor to The Burlington Northern & Santa Fe Railway Company, from which TVRR acquired the Ducor-to-Ultra line.

7. Opinion. TVRR has no plans to demolish or dismantle the culvert or wooden trestle bridge. TVRR believes that neither the culvert nor the wooden trestle bridge warrants listing in the Register of Historic Places. Similarly, TVRR is unaware of any archeological resources or any other previously unknown historic properties in the area. By letters dated May 7 and 22, 2009, with copies to SEA, TVRR's representative notified the California Office of Historic Preservation of the proposed abandonment of the Ducor-to-Ultra line. Attached as Exhibit E is the e-mailed response of Mr. Mark A. Beason, dated June 8, 2009.

Respectfully submitted,

TULARE VALLEY RAILROAD COMPANY

By its attorney,



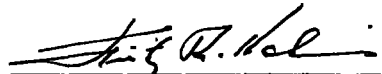
Fritz R. Kahn  
Fritz R. Kahn, P.C.  
1920 N Street, NW (8th fl.)  
Washington, DC 20036  
Tel.: (202) 263-4152

Dated: June 9, 2009

## CERTIFICATE OF SERVICE

I certify that I this day have served copies of the Environmental and Historic  
Report on the Federal and California agencies whose views were sought in its  
preparation, the names and addresses of which are on the next page.

Dated at Washington, DC, this 9th day of June 2009.

  
Fritz R. Kahn

National Park Service  
One Jackson Center  
111 Jackson St. (Ste. 700)  
Oakland, CA 94607

U.S. Army Corps of Engineers  
Los Angeles District  
P. O. Box 532711  
Los Angeles, CA 90053-2325

Natural Resources Conservation Service  
Visalia Service Center  
3530 W. Orchard Court  
Visalia, CA 93277-7055

NGS Information Services, NOAA, N/NGS12  
National Geodetic Survey SSMC-3 #9202  
1315 East-West Highway  
Silver Spring, MD 20910-3282

U.S. Fish and Wildlife Service  
Eastside Federal Complex  
911 NE 11th Avenue  
Portland, OR 97232

U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

California Office of Planning and Research  
P. O. Box 3044  
Sacramento, CA 95812

California Office of Historic Preservation  
Department of Parks and Recreation  
P. O. Box 942896  
Sacramento, CA 94296-0001

California Environmental Protection Agency  
1001 I Street  
P. O. Box 2815  
Sacramento, CA 95812-2815

California Coastal Commission  
45 Fremont Street (Ste. 2000)  
San Francisco, CA 94105-2219

## **EXHIBIT A**

United States Department of Agriculture



Natural Resources Conservation Service  
3530 Orchard Court  
Visalia, CA 93277

(559) 734-8732 Ext. 3  
(559) 732-2805 Fax

May 26, 2009

Fritz R.Kahn P.C.  
Eighth Floor  
1920 N Street N.W.  
Washington, D.C. 20036

Dear: Fritz R.Kahn P.C.

The Natural Resources Conservation Service have no concerns with the proposed abandonment of the 5.9 miles of the track by the Tulare Valley Railroad Company between Ultra and Duco, Tulare County, CA.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Davis", is written over a large, stylized circular flourish.

Mark D. Davis  
District Conservationist

## **EXHIBIT B**

## CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200



May 12, 2009

Fritz R. Kahn, P.C.  
Eighth Floor  
1920 N St., N.W.  
Washington D.C. 20036-1601

Re: STB Docket AB-397 (Sub-No. 7X), Tulare Valley Railroad Company, Proposed Railroad Abandonment

Dear Mr. Kahn:

The Coastal Commission staff has received your letter dated May 7, 2009, notifying us of the above-referenced proposed railroad abandonment. Our agency has no concerns over this abandonment.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Delaplaine".

Mark Delaplaine  
Federal Consistency Staff

cc: Surface Transportation Board  
Section of Environmental Analysis  
Victoria Rutson, Chief  
395 E Street, S.W.  
Washington, DC 20423-0001

**EXHIBIT C**

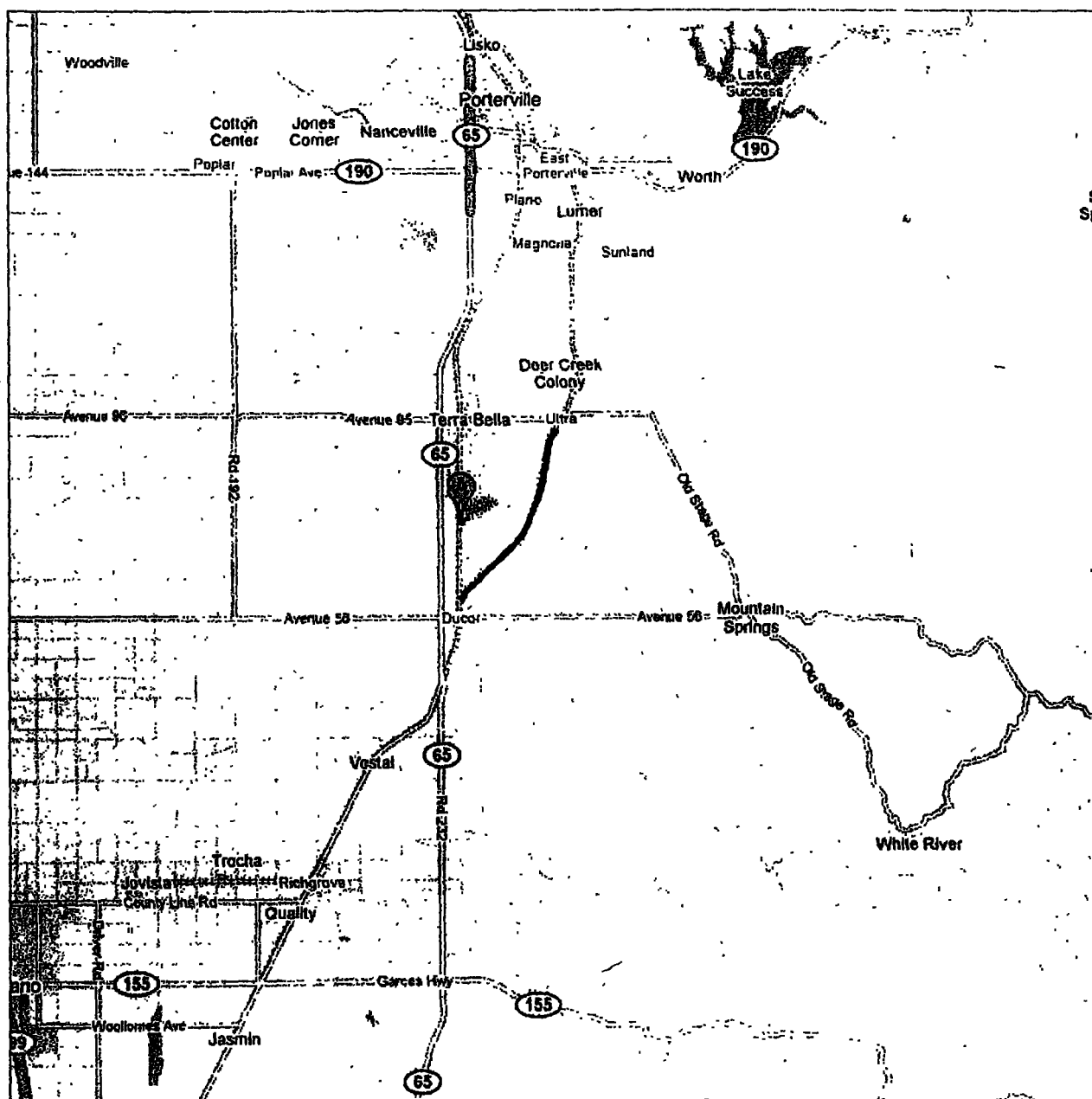


Address Road 236  
Terra Bella, CA 93270

Get Google Maps on your phone



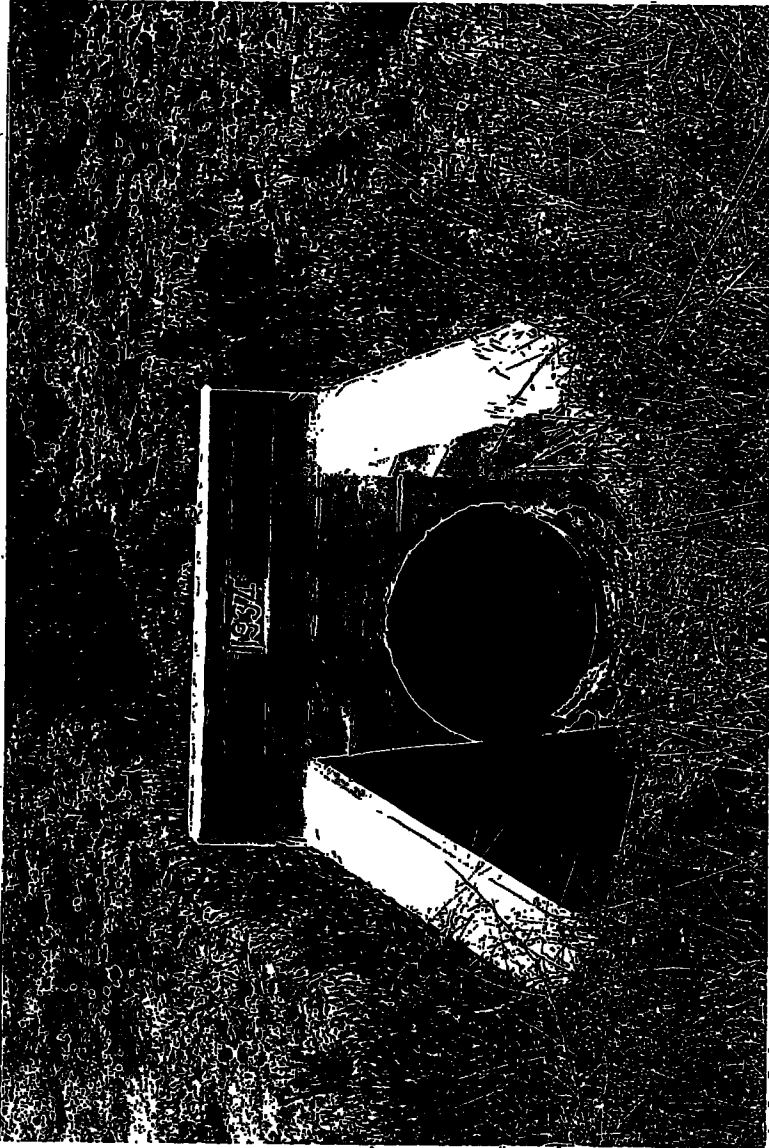
Text the word "GMAPS" to 466453



## EXHIBIT D

# TULARE VALLEY RAILROAD COMPANY

BRIDGE STRUCTURES  
ULTRA TO DUCOR



BR. 70-A, 70.4; 70+2365.6

BRIDGE LENGTH 48'5"

TYPE BRIDGE C.I.P. - Cone H.W.

CONSTRUCTION DATES:

SUBSTRUCTURE 1934

STRINGERS

# TULARE VALLEY RAILROAD COMPANY

BRIDGE STRUCTURES  
ULTRA TO DUCOR



BR. 67-A, 67.8; 67+3960.9

BRIDGE LENGTH 112'

TYPE BRIDGE O.D.P. Trestle Road Uner Br.

CONSTRUCTION DATES:

SUBSTRUCTURE 1924

STRINGERS

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB Docket No. AB-397 (Sub-No. 7X)**

**TULARE VALLEY RAILROAD COMPANY  
--ABANDONMENT EXEMPTION--  
IN TULARE COUNTY, CA**

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**NOTICE OF EXEMPT ABANDONMENT  
OF  
TULARE VALLEY RAILROAD COMPANY**

**Fritz R. Kahn  
Fritz R. Kahn, P.C.  
1920 N Street, NW (8th fl.)  
Washington, DC 20036  
Tel.: (202) 263-4152**

**Attorney for**

**TULARE VALLEY RAILROAD COMPANY**

**Dated: July 1, 2009**

## EXHIBIT E



Print

**Subject** Abandonment of 5.9-mile Tulare Valley Railroad Company line

**From:** Beason, Mark <mbeason@parks.ca.gov>

**Sent:** Jun 8, 2009 07:54:47 PM

**To:** xicgc@verizon.net

**CC:** blodgettk@stb.dot.gov, mbeason@parks.ca.gov

---

Dear Mr. Fritz R. Kahn,

This office is in receipt of your May 7 and May 22, 2009, letters regarding the abandonment of 5.9-mile Tulare Valley Railroad Company (TVR) line between Ultra and Duco. The May 7 letter indicates that TVR needs to hear from this office "about its proposed abandonment so that it can draft the environmental and historic report..."

As you may know, the purpose of the historical portion of that report is to comply with the provisions of Section 106 of the National Historic Preservation Act. Under this legislation, the State Historic Preservation Officer (SHPO) consults on federal undertakings (requiring federal funded or a discretionary decision, like granting an abandonment exemption) with the lead federal agency for the undertaking. In this case, the Surface Transportation Board (STB) is the federal agency. STB can designate another entity to conduct the Section 106 consultation on their behalf, but they need to notify the SHPO of that intent in writing.

Following the identification of the undertaking and lead federal agency, Section 106 consultation packages sent to the SHPO should contain the following information:

- A cover letter explicitly initiating consultation under Section 106
- A project description with specific details of the undertaking
- Identification of the Area of Potential Effect (APE) for the project, with a map and narrative justification
- Identification of Historic Properties within the APE (both historic and archaeological) – this includes photographs and descriptions of the properties
- Evaluation of Historic Properties to determine their eligibility for the National Register of Historic Places (NRHP) – this includes a narrative evaluation of the properties within the appropriate contexts and an assessment of their significance under each of the NRHP Criteria and an evaluation of their historic integrity
- Assess Adverse Effects of the undertaking on any eligible or listed properties.

The SHPO will review the information submitted and concur with the determination of effects or ask for more information or disagree with the determination...there are several possibilities for how the process can end. For a fuller explanation, I recommend reading through the guidance on the Advisory Council for Historic Preservation's website - <http://www.achp.gov/regsflow.html>.

In the case of the TVR abandonment in Tulare County, it does not appear that the Section 106 process has been initiated. Unfortunately, the letters from your law offices do not qualify as initiating the Section 106 review process because neither your firm nor TVR are federal agencies. The Section 106 initiation request should come from STB. In addition, the evaluation of historic properties and

assessment of adverse effects should be done by qualified personnel as defined in the Secretary of the Interior's Standards and Guidelines for Professional Qualifications Standards, [http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm).

I recommend checking with your contact at STB for further guidance on proceeding with the Section 106 consultation. I have copied Ken Blodgett from STB on this message. Feel free to contact me with any further questions you may have.

Sincerely,

Mark A. Beason

State Historian II, Project Review

California Office of Historic Preservation

1416 9th Street, Room 1442, Sacramento, CA 95814

(916) 653-8902, fax (916) 653-9824

## **EXHIBIT C**

LAW OFFICES  
FRITZ R. KAHN, P.C.  
1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xlccgc@verizont.net

June 9, 2009

National Park Service  
One Jackson Center  
111 Jackson St. (Ste. 700)  
Oakland, CA 94607

re: STB Docket No. AB-397 (Sub-No. 7X), Tulare Valley Railroad  
Company--Abandonment Exemption--in Tulare County, CA

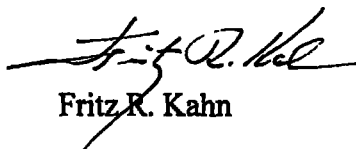
Dear Sir/Madam:

On or about July 1, 2009, Tulare Valley Railroad Company ("TVRR") expects to file with the Surface Transportation Board ("STB") its notice for the abandonment of its line between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of approximately 5.9 miles in Tulare County, California. Enclosed is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

TVRR is providing this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the STB's Section of Environmental Analysis, 395 E Street, SW, Washington, DC 20423 (tel.: 202-245-0295) and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments, with a copy to me, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning the proposal, please contact me by mail, e-mail or telephone.

Sincerely yours,



Fritz R. Kahn

enc.

cc: Victoria J. Rutson, Esq.

LAW OFFICES  
FRITZ R. KAHN, P.C.  
1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xiccg@verizont.net

June 9, 2009

California Coastal Commission  
45 Freemont Street, (Ste. 2000)  
San Francisco, CA 94105-2219

re: STB Docket No. AB-397 (Sub-No. 7X), Tulare Valley Railroad  
Company--Abandonment Exemption--in Tulare County, CA


Dear Sir/Madam:

On or about July 1, 2009, Tulare Valley Railroad Company ("TVRR") expects to file with the Surface Transportation Board ("STB") its notice for the abandonment of its line between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of approximately 5.9 miles in Tulare County, California. Enclosed is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

TVRR is providing this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the STB's Section of Environmental Analysis, 395 E Street, SW, Washington, DC 20423 (tel.: 202-245-0295) and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments, with a copy to me, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning the proposal, please contact me by mail, e-mail or telephone.

Sincerely yours,

  
Fritz R. Kahn

enc.

cc: Victoria J. Rutson, Esq.

LAW OFFICES  
FRITZ R. KAHN, P.C.  
1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xiccg@verizon.net

June 9, 2009

California Environmental Protection Agency  
1001 I Street  
P. O. Box 2815  
Sacramento, CA 95812-2815

re: STB Docket No. AB-397 (Sub-No. 7X), Tulare Valley Railroad  
Company--Abandonment Exemption--in Tulare County, CA

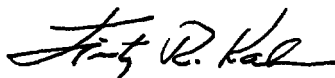
Dear Sir/Madam:

On or about July 1, 2009, Tulare Valley Railroad Company ("TVRR") expects to file with the Surface Transportation Board ("STB") its notice for the abandonment of its line between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of approximately 5.9 miles in Tulare County, California. Enclosed is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Fritz R. Kahn

enc.

cc: Victoria J. Rutson, Esq.

LAW OFFICES  
FRITZ R. KAHN, P.C.  
1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xlcgc@verizont.net

June 9, 2009

California Office of Planning and Research  
P. O. Box 3044  
Sacramento, CA 95812

re: STB Docket No. AB-397 (Sub-No. 7X), Tulare Valley Railroad  
Company--Abandonment Exemption--in Tulare County, CA

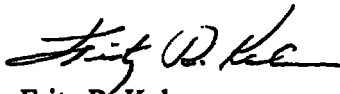
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On or about July 1, 2009, Tulare Valley Railroad Company ("TVRR") expects to file with the Surface Transportation Board ("STB") its notice for the abandonment of its line between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of approximately 5.9 miles in Tulare County, California. Enclosed is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Sincerely yours,

  
Fritz R. Kahn

enc.

cc: Victoria J. Rutson, Esq.

LAW OFFICES  
FRITZ R. KAHN, P.C.  
1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xiccgc@verizon.net

June 9, 2009

California Office of Historic Preservation  
Department of Parks and Recreation  
P. O. Box 942896  
Sacramento, CA 94296-0001

re: STB Docket No. AB-397 (Sub-No. 7X), Tulare Valley Railroad  
Company--Abandonment Exemption--in Tulare County, CA

Dear Sir/Madam:

On or about July 1, 2009, Tulare Valley Railroad Company ("TVRR") expects to file with the Surface Transportation Board ("STB") its notice for the abandonment of its line between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of approximately 5.9 miles in Tulare County, California. Enclosed is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Sincerely yours,

Fritz R. Kahn

enc.

cc: Victoria J. Rutson, Esq.

LAW OFFICES  
FRITZ R. KAHN, P.C.  
1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xiccgc@verizon.net

June 9, 2009

U. S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

re: STB Docket No. AB-397 (Sub-No. 7X), Tulare Valley Railroad  
Company--Abandonment Exemption--in Tulare County, CA

Dear Sir/Madam:

On or about July 1, 2009, Tulare Valley Railroad Company ("TVRR") expects to file with the Surface Transportation Board ("STB") its notice for the abandonment of its line between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of approximately 5.9 miles in Tulare County, California. Enclosed is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Fritz R. Kahn

enc.

cc: Victoria J. Rutson, Esq.

LAW OFFICES  
FRITZ R. KAHN, P.C.  
1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xiccg@verizont.net

June 9, 2009

U. S. Fish and Wildlife Service  
Eastside Federal Complex  
911 NE 11th Avenue  
Portland, OR 97232

re: STB Docket No. AB-397 (Sub-No. 7X), Tulare Valley Railroad  
Company--Abandonment Exemption--in Tulare County, CA

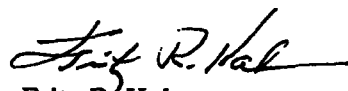
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Sincerely yours,

  
Fritz R. Kahn

enc.

cc: Victoria J. Rutson, Esq.

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1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xicccg@verizont.net

June 9, 2009

NGS Information Services, NOAA, N/NGS12  
National Geodetic Survey SSMC-3 #9202  
1315 East-West Highway  
Silver Spring, MD 20910-3282

re: STB Docket No. AB-397 (Sub-No. 7X), Tulare Valley Railroad  
Company--Abandonment Exemption--in Tulare County, CA

Dear Sir/Madam:

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Sincerely yours,

  
Fritz R. Kahn

enc.

cc: Victoria J. Rutson, Esq.

LAW OFFICES  
FRITZ R. KAHN, P.C.  
1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xlcgc@verizon.net

June 9, 2009

Natural Resources Conservation Service  
Visalia Service Center  
3530 W. Orchard Court  
Visalia, CA 93277-7055

re: STB Docket No. AB-397 (Sub-No. 7X), Tulare Valley Railroad  
Company--Abandonment Exemption--in Tulare County, CA

Dear Sir/Madam:

On or about July 1, 2009, Tulare Valley Railroad Company ("TVRR") expects to file with the Surface Transportation Board ("STB") its notice for the abandonment of its line between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of approximately 5.9 miles in Tulare County, California. Enclosed is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Sincerely yours,

  
Fritz R. Kahn

enc.

cc: Victoria J. Rutson, Esq.

LAW OFFICES  
FRITZ R. KAHN, P.C.  
1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xiccg@verizon.net

June 9, 2009

U.S. Army Corps of Engineers  
Los Angeles District  
P. O. Box 532711  
Los Angeles, CA 90053-2325

re: STB Docket No. AB-397 (Sub-No. 7X), Tulare Valley Railroad  
Company--Abandonment Exemption--in Tulare County, CA

Dear Sir/Madam:

On or about July 1, 2009, Tulare Valley Railroad Company ("TVRR") expects to file with the Surface Transportation Board ("STB") its notice for the abandonment of its line between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of approximately 5.9 miles in Tulare County, California. Enclosed is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Sincerely yours,

  
Fritz R. Kahn

enc.

cc: Victoria J. Rutson, Esq.

## **EXHIBIT D**

LAW OFFICES  
FRITZ R. KAHN, P.C.  
1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xiccgc@verizont.net

June 2, 2009

Chief Abigail R. Kimbell  
Forest Service, U.S.D.A.  
201 14th Street, SW (4th fl.)  
Washington, DC 20520

Dear Ms. Kimbell:

Please be advised that on or about July 1, 2009, Tulare Valley Railroad Company will file with the Surface Transportation Board its Notice of Exempt Abandonment to secure the agency's authorization to abandon its line of railroad extending between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of approximately 5.9 miles in Tulare County, California. The Notice will bear STB Docket No. AB-397 (Sub-No. 7X).

The line traverses U.S. Postal Zip Codes 93270 and 93218.

Based on information in the possession of Tulare Valley Railroad Company, the railroad line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

If you have any question concerning the foregoing, please get back to me.

Sincerely yours,

  
Fritz R. Kahn

LAW OFFICES  
FRITZ R. KAHN, P.C.  
1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xicgc@verizont.net

June 2, 2009

Mr. D. Thomas Ross, Assistant Director  
Recreation and Conservation  
National Park Service, Dept. of Interior  
1849 C St., NW  
Washington, DC 20240-0001

Dear Mr. Ross::

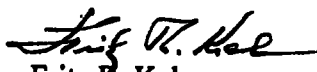
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The line traverses U.S. Postal Zip Codes 93270 and 93218.

Based on information in the possession of Tulare Valley Railroad Company, the railroad line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

If you have any question concerning the foregoing, please get back to me.

Sincerely yours,

  
Fritz R. Kahn

LAW OFFICES  
FRITZ R. KAHN, P.C.  
1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xicccg@verizont.net

June 2, 2009

MSDDC - Transp. Engineering Agency  
Attn.: SDTE-SA (Railroads for National Defense)  
709 Ward Drive. Bldg. 1990  
Scott AFB, IL 62225-5357

Dear Sir/Madam:

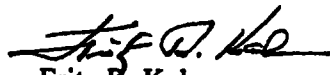
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The line traverses U.S. Postal Zip Codes 93270 and 93218.

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If you have any question concerning the foregoing, please get back to me.

Sincerely yours,

  
Fritz R. Kahn

LAW OFFICES  
FRITZ R. KAHN, P.C.  
1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xlcggc@verizont.net

June 2, 2009

Hon. Michael R. Peevey, President  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

Dear Mr. Pevey:

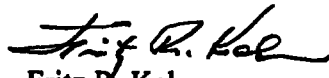
Please be advised that on or about July 1, 2009, Tulare Valley Railroad Company will file with the Surface Transportation Board its Notice of Exempt Abandonment to secure the agency's authorization to abandon its line of railroad extending between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of approximately 5.9 miles in Tulare County, California. The Notice will bear STB Docket No. AB-397 (Sub-No. 7X).

The line traverses U.S. Postal Zip Codes 93270 and 93218.

Based on information in the possession of Tulare Valley Railroad Company, the railroad line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

If you have any question concerning the foregoing, please get back to me.

Sincerely yours,

  
Fritz R. Kahn

LAW OFFICES  
FRITZ R. KAHN, P.C.  
1920 N STREET, NW. (8<sup>TH</sup> FL.)  
WASHINGTON, DC 20036  
Tel.: (202) 263-4152 Fax: (202) 331-8330  
e-mail: xicccg@verizont.net

June 8, 2009

Mr. William D. "Bill" Shaddox  
Chief, Land Resources Division  
National Park Service - Dept. of Interior  
1201 I Street, NW  
Washington, DC 20005

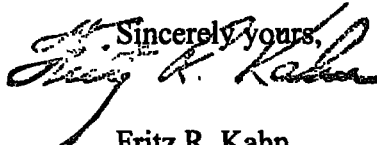
Dear Mr. Shaddox:

Please be advised that on or about July 1, 2009, Tulare Valley Railroad Company will file with the Surface Transportation Board its Notice of Exempt Abandonment to secure the agency's authorization to abandon its line of railroad extending between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of approximately 5.9 miles in Tulare County, California. The Notice will bear STB Docket No. AB-397 (Sub-No. 7X).

The line traverses U.S. Postal Zip Codes 93270 and 93218.

Based on information in the possession of Tulare Valley Railroad Company, the railroad line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

If you have any question concerning the foregoing, please get back to me.

Sincerely yours,  
  
Fritz R. Kahn

## **EXHIBIT E**

Visalia Newspapers, Inc.  
P.O. Box 31, Visalia, CA 93279  
559-735-3200 / Fax 559-735-3210

## Certificate of Publication

State Of California ss:  
County of Tulare

Advertiser: LAW OFFICES OF FRITZ R. KAHN  
1920 N STRETT NW (8TH FL)  
WASHINGTON , 20036

0000097689

OFFICIAL NOTICE  
STB No. AB-397 (Sub-No. 74)  
NOTICE OF INTENT TO ABANDON  
Tulare Valley Railroad Company (TVRRCo) gives notice  
that on or about July 1, 2009, it intends to file with the  
Surface Transportation Board, Washington, DC 20423, a  
Notice of Exempt Abandonment, pursuant to 49 C.F.R.  
1152.50, to abandon its railroad line between Milepost  
71+235.2 at or near Ducor and Milepost 68.0 at or near  
Utra, a distance of approximately 59 miles in Tulare  
County, California, which traverses United States Postal  
Service Zip Code 93270 and Zip Code 93218. The proceed-  
ings are docketed as STB Docket AB-397 (Sub-No. 74).  
The Board's Section of Environment Analysis (SEA) will  
generally prepare an Environmental Assessment (EA),  
which will normally be available 25 days after the filing  
of the Notice of Abandonment. Comments on environ-  
mental and energy matters should be filed no later than  
15 days after the EA becomes available to the public and  
will be addressed in a Board decision. Interested per-  
sons may obtain a copy of the EA or make inquiries re-  
garding environmental matters by writing to the SEA,  
Surface Transportation Board, 335 E Street, SW, Wash-  
ington, DC 20423 or by calling that office at (202) 245-  
0235.  
Appropriate offers of financial assistance to continue  
rail service can be filed with the Board. Requests for en-  
vironmental conditions, public use conditions, or rail  
banking/trails use also can be filed with the Board. An  
original and 10 copies of any pleading that raised mat-  
ters other than environmental issues (such as trails use,  
public use, and offers of financial assistance) must be  
filed directly with the Board's Office of the Secretary,  
335 E Street, SW Washington, DC 20423-0001 (See 49  
C.F.R. 1104.1(a) and 1104.2(a)), and one copy must be  
served on the applicant's representative (See 49 C.F.R.  
1104.12(a)). Questions regarding offers of financial as-  
sistance, public use or trails use may be directed to the  
Board's Office of Public Services at (202) 245-0230. Cop-  
ies of any comments or requests for conditions should  
be served on the applicant's representative. Fritz R.  
Kahn, Esq., Fritz R. Kahn, P.C., 1920 N Street NW (8th fl),  
Washington, DC 20036-1601. Tel: (202) 263-4152.  
Publish: June 10, 2009 497689

RE: OFFICIAL NOTICE STB No. AB-397 (Sub-No.

I, Anna Vargas, Accounting Clerk, for the below mentioned newspaper(s), am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper on the following dates:

Newspaper:

Tulare Adv-Register

6/10/2009

I acknowledge that I am a principal clerk of said paper which is printed and published in the City of Visalia, County of Tulare, State of California. The Visalia Times Delta was adjudicated a newspaper of general circulation on July 25, 2001 by Tulare County Superior Court Order No. 41-20576. The Tulare Advance Register was adjudicated a newspaper of general circulation on July 25, 2001 by Superior Court Order No. 52-43225.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 10<sup>th</sup> day of June, 2009 in Visalia, California.

  
Declarant